

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-8 are, drawn to hair cosmetic composition, classified in class 424, subclass 70.1; and

Group II: Claim 9 is, drawn to a method of protecting hair, classified in class 424, subclass 70.1.

Applicants hereby elect Group I, Claims 1-8, drawn to a hair cosmetic composition, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the two groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Additionally, Applicants elect as species the amphipathic amide of formula 1 which is shown as lipid A on page 26 and as compound B ethylene glycol difatty acid esters with an acyl group having from 18 to 22 carbon atoms, but more specifically, ethylene glycol distearate.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants are also amending Table 1 on page 29 of the specification to correct the use of inappropriate chemical terms by the translators in the preparation of the U.S. application.

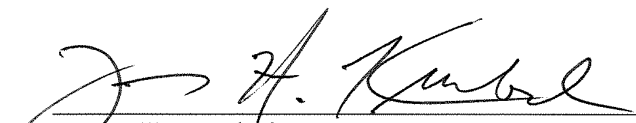
Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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